



General Assembly

January Session, 2007

**Amendment**

LCO No. 9202

**\*SB0134109202HDO\***

Offered by:

REP. SAYERS, 60<sup>th</sup> Dist.  
REP. O'BRIEN, 24<sup>th</sup> Dist.  
SEN. DEFRONZO, 6<sup>th</sup> Dist.  
REP. ZALASKI, 81<sup>st</sup> Dist.  
REP. MAZUREK, 80<sup>th</sup> Dist.

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.  
REP. GERAGOSIAN, 25<sup>th</sup> Dist.  
REP. TERCYAK, 26<sup>th</sup> Dist.  
REP. BOUKUS, 22<sup>nd</sup> Dist.

To: Subst. Senate Bill No. 1341

File No. 352

Cal. No. 679

**"AN ACT CONCERNING APPLICATION FOR A CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY AND PROTECTING  
PUBLIC WATER SUPPLIES FROM CONTAMINATION."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (*Effective from passage*) (a) Notwithstanding any provision  
4 of chapter 474 of the general statutes or the regulations of Connecticut  
5 state agencies, the city of New Britain may change the use of its water  
6 company owned class I and class II lands to allow for the lease of  
7 approximately 131.4 acres, more specifically described as 0 Biddle Pass  
8 in the town of Plainville, provided such lease is part of a contract to  
9 which the city of New Britain is a party and the contract includes  
10 provisions to accomplish the following:

11 (1) The lease and subsequent use of such land effectuates an

12 increase in the future safe yield of a pure and adequate supply of  
13 drinking water for the city of New Britain and the surrounding area  
14 served by the city.

15 (2) By the conclusion of the lease, the person or entity to which such  
16 land is leased prepares the site for a public drinking water reservoir,  
17 and the surrounding land for reforestation, including the planting of a  
18 sufficient number of trees on the portions of the site that are not to be  
19 used as a public drinking water reservoir in order to facilitate  
20 reforestation.

21 (3) The extraction of stone or other material from such land or any  
22 adjacent land is a sufficient distance from residential homes as to  
23 prevent unreasonable disruption of residential use.

24 (4) Such lease is for a term of forty years or less.

25 (5) Any conveyance of land immediately adjacent to the 131.4 acres,  
26 more specifically described as 0 Biddle Pass in the town of Plainville,  
27 shall contain appropriate deed restrictions sufficient to maintain a  
28 forested buffer of not less than 1500 feet measured from the quarry  
29 zone line.

30 (b) The contract authorized by subsection (a) of this section shall not  
31 be executed by the city of New Britain until the following have  
32 occurred:

33 (1) An environmental evaluation has been conducted by an  
34 independent third party for the purpose of evaluating the potential  
35 impact on the purity and adequacy of the existing and future public  
36 water supply, and the Department of Public Health has reviewed such  
37 evaluation for the purpose of providing the New Britain Water  
38 Department with guidance concerning the suitability of the best  
39 management practices identified in the environmental evaluation for  
40 the protection of the public water supply and the public health.

41 (2) The Commissioner of Public Health has reviewed such lease in

42 order to provide guidance to the New Britain Water Department  
43 concerning the purity and adequacy of the public drinking water  
44 supply.

45 (3) The mayor of the city of New Britain has proposed said lease and  
46 contract to the Common Council of said city.

47 (A) No later than thirty days prior to the submission of such lease  
48 and contract proposal to the Common Council, the mayor of the city of  
49 New Britain has conducted a public hearing at which said mayor hears  
50 the opinion of any person wishing to speak on the merits of the  
51 proposed lease and contract. No later than thirty days prior to said  
52 hearing, said mayor has caused a notice of such hearing to be  
53 published in a newspaper of general distribution in the city of New  
54 Britain and mailed notice to all persons residing within one mile of any  
55 part of the land to be conveyed. Said public hearing shall be held in the  
56 city of New Britain at a location within one mile of any part of the land  
57 to be conveyed.

58 (B) After such public hearing said mayor shall recommend to the  
59 Common Council of said city approval or disapproval of the lease and  
60 contract.

61 (C) Said mayor has submitted the lease and contract proposal to the  
62 legislative bodies of the city of New Britain and the town of Plainville,  
63 the inland wetland commissions of the city of New Britain and the  
64 town of Plainville, the City Plan Commission of the city of New Britain  
65 and the Planning and Zoning Commission of the town of Plainville.

66 (4) All appropriate authorities in the town of Plainville have  
67 approved the proposed use of said land.

68 (5) The inland wetland commission and the City Plan Commission  
69 of the city of New Britain have conducted a public hearing in  
70 accordance with procedures applicable in said city after receiving the  
71 proposal of the mayor of the city of New Britain in accordance with  
72 subdivision (3) of this subsection, and has voted to approve or reject

73 the proposal of the mayor of New Britain within sixty days after  
74 receiving it.

75 (6) The Common Council of the city of New Britain has approved  
76 the proposal of the mayor of the city of New Britain which was  
77 submitted in accordance with subdivision (3) of this subsection,  
78 including the lease and contract contained in such proposal. Said  
79 Common Council shall not consider such proposal until the inland  
80 wetland commission and the City Plan Commission of the city have  
81 approved such proposal in accordance with subdivision (5) of this  
82 subsection, and shall not approve said lease and contract after April 1,  
83 2008."